

### REMARKS

Claims 1-11 were pending in the above-referenced application prior to this amendment. Claims 1-8, and 11 are amended herein. New claims 12, 13, and 14 have been added. Thus, claims 1-14 are pending in the application.

Claims 1-8, and 11 have been amended herein for clarification. New claim 12 is directed to a limitation previously set forth in claim 2. New claims 13 and 14 are apparatus claims directed to an exchange according to the present invention.

Replacement drawing sheets 1-4 are included herewith including the drawing corrections approved in the Office Action of January 15, 2004. The amendments to the drawings are as follows:

FIG. 1: The label "EXCHANGE" has been added to the figure to further identify the element identified as "VST".

FIG. 2: The label "LINE TRUNK GROUP" has been added to the figure to further identify the element labeled as "LTG".

FIG. 3: The label "LINE TRUNK GROUP" has been added to the figure to further identify the element labeled as "LTG"; The label "EXCHANGE" has been added to further identify the VST element; The label "COORDINATION PROCESSOR" has been added to the figure to further identify the element labeled "CP".

FIG. 4: The label "LINE TRUNK GROUP" has been added to the figure to further identify the element labeled as "LTG"; The label "COORDINATION PROCESSOR" has been added to the figure to further identify the element labeled "CP".

No new matter has been added to the application. Applicants submit that the replacement drawing sheets 1-4 filed herewith comply with 37 CFR 1.84.

Claims 1, 7, 8, 10, and 11 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,038,218 Otsuka et al. (hereinafter referred to as "Otsuka"). The rejection is traversed and reconsideration is respectfully requested.

Otsuka discloses a method of monitoring the operating conditions of a signal processor for overload at predetermined intervals of time and for controlling the congestion on a signalling link associated therewith. The signal processor includes a link set having a plurality of signalling links. In each signal processor, if a congested condition is detected, the congestion-condition level of the processor is incremented by 1 and an inhibit request according to the congestion-condition level is issued to a signaling link use-inhibit control section. Additionally, a restart timer is activated for the next cycle of congestion condition monitoring. Upon a time-out of the restart timer, the next cycle of congestion condition judgement is started. If both results show that the processor is in a reduced load condition, then the congestion-condition level is decremented by 1. (Otsuka, col. 8, ll. 40-55). Thus, the use-inhibiting procedure is not activated if a reduced congestion-condition is determined in a subsequent monitoring cycle.

Otsuka further discloses a use-inhibiting procedure wherein if a signal processor is in a congested condition, a use inhibit control section performs a use-inhibiting procedure on signalling links accommodated in the signal processor and whose priority is equal to or lower than the congestion-condition level. The use of such signalling links is inhibited for signalling data transmission for a period of time until the congestion-condition level of the signal processor is determined to have a congestion-condition level lower than the priority level of the inhibited signalling link. (Otsuka, col. 5, l. 55 to col. 6, l. 8).

In contrast to the Otsuka disclosure, claim 1 of the present invention is directed to a method for overload protection at an exchange. Claim 1 recites the steps of: computing at a second exchange an effective congestion value based on a plurality of congestion values received from a first exchange; and controlling a protective measure for the second exchange with respect to the first exchange based on the effective congestion value.

Otsuka does not disclose a method for overload protection for an exchange wherein an effective congestion value for a first exchange is computed at a second exchange based on a plurality of congestion values received from a first exchange. Further, Otsuka does not disclose the method of claim 1 wherein a computed effective congestion value of a first exchange is used for controlling a protective measure for the second exchange. Instead, Otsuka discloses a method wherein at predetermined intervals of time, each signal processor is monitored for a congestion condition, if a congested condition is detected, the congestion-condition level of the processor is incremented by one and an inhibit request is issued to a signaling link use-inhibit control section. Thus, the signaling link use-inhibit control section disclosed by Otsuka controls the congestion at a signal processor based on independent congestion-condition levels for a signal processor.

For a prior art reference to anticipate a claim, the reference must disclose each and every element of a claim, arranged as in the claim. Here, nothing in the Otsuka reference discloses the method of claim 1 wherein an effective congestion value of a first exchange is computed at a second exchange based on a plurality of congested values transferred from the first exchange to the second exchange. Further, nothing in Otsuka teaches using the computed effective congestion value of a first exchange for controlling a protective measure of a second exchange with respect to the first exchange. Because Otsuka does not teach these method steps recited in Applicants' claim 1, it cannot be maintained that Otsuka anticipates claim 1 under 35 U.S.C. § 102(e). Accordingly, for at least the above-identified reasons, the rejection of claim 1 under 35 U.S.C. § 102(e) should be withdrawn and this action is respectfully requested.

Claims 7, 8, 10 and 11 depend from claim 1 and thereby include all of the limitations of claim 1 and also include additional limitations. Since, claim 1 is not anticipated by Otsuka for at least the above-identified reasons, dependent claims 7, 8, 10 and 11 are also not anticipated by Otsuka.

Accordingly, for at least the above-identified reasons, the rejection of claims 7, 8, 10 and 11 under 35 U.S.C. § 102(e) as anticipated by Otsuka should also be withdrawn.

Claims 2 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka in view of U.S. Patent No. 5,946,296 to Kim et al., (hereinafter referred to as "Kim").

Claims 3-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka in view of U.S. Patent No. 5,963,541 to Koga et al., (hereinafter referred to as "Koga").

Claims 2 and 9 as well as claims 3-6 each depend from claim 1. The Examiner's rejections of each of claims 2, 9 and 3-6 are based on Otsuka as a primary reference and the Examiner's above-identified determination that Otsuka anticipates Applicant's claim 1. For at least the above-identified reasons, Otsuka does not teach or suggest all of the elements of claim 1. Therefore, the Examiner has not established that Otsuka in view of Kim teach or suggest each and every element of claims 2 and 9 or that Otsuka in view of Koga teach or suggest each and every element of claims 3-6.

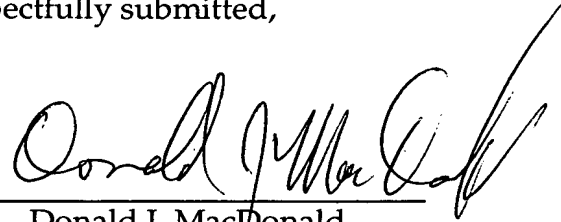
Accordingly, for at least the above-identified reasons, claims 2 and 9 are not obvious under 35 U.S.C. § 103(a) over Otsuka in view of Kim and claims 3-6 are not obvious under 35 U.S.C. § 103(a) over Otsuka in view of Koga. Thus, the rejections of claims 2, 9 and 3-6 should be withdrawn and these claims allowed.

In view of the foregoing, it is respectfully submitted that claims 1-14 are allowable. All issues raised by the Examiner having been addressed herein, an early action to that effect is earnestly solicited.

No fees or deficiencies in fees are believed to be owed. However authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Donald J. MacDonald", written over a horizontal line.

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